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REMARKS

In accordance with the foregoing, claims 1, 3, and 8-12 are amended and new claim 13 is presented. No new matter has been added and accordingly, entry and approval are respectfully requested. Claim 5 is cancelled herein without prejudice or disclaimer.

Claims 1-4 and 6-13 are pending and under consideration. Reconsideration is requested.

Claim Amendments

Claim 1 is amended herein to recite a computer-readable recording causing a computer to execute an operating system as a task by performing "determining whether a non-idle process is included in processes . . . , wherein the non-idle process is a process waiting for execution under control of the operating system, other than an idle process executed when the operating system proceeds to an idle state; and changing a priority of the task to a higher priority higher than a primary priority of the task to execute the operating system under control of which the non-idle process is executed when it is determined at the determining that the processes to be executed under control of the operating system include the non-idle process."

Independent claims 9-10 are amended in a similar manner.

Dependent claim 3 is amended herein to recite a computer-readable recording medium that stores the task control computer program according to claim 1, further comprising changing priority of the task to the primary priority lower than the higher priority after the operating system has been executed at the higher priority for a predetermined period of time. Claim 11 is amended in a similar manner.

Dependent claim 8 is amended to computer-readable recording medium that stores the task control computer program according to claim 1, wherein the primary priority of the task is changed to the higher priority when a predetermined period of time has elapsed after it is determined at the determining that the non-idle process waiting for the execution is included in the process to be executed under control of the operating system.

No new matter has been added and accordingly, entry and approval of amended claims are respectfully requested.

Items 3-4: Objection to claims

In item 3 of the Office Action, the Examiner objects to claim 8 asserting it is not clearly understood what is meant by "an executable non idle process."

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Applicants point out that independent claim 1 recites an executable process that is waiting for "waiting for execution under control of the operating system." execution under control of the operating system.

Dependent claim 8, as amended herein, addresses the Examiner's concern and recites "after it is determined at the determining that the non-idle process waiting for the execution is . . ." (Amendatory language being underlined).

In item 4 of the Office Action, the Examiner objects to claim 11 asserting:

[I]t is not clearly understood to which task does the priority change? (i.e. OS that is executing as task, non idle process or idle process?)

(See, Action at page 2).

Applicant submits that the task for which the priority changes is the operating system executed as a task, as recited by independent claim 1.

Dependent claim 11 is amended herein to recite a "changing the priority of the task . . ."

Conclusion

Applicant submits that the claims 8 and 11, as amended herein, address the Examiner's concerns. Thus, withdrawal of the objection is requested.

Items 5-6: Rejection of claim 9 under 35 USC §101

In Items 5-6 of the Office Action, the Examiner rejects claim 9 under 35 U.S.C. §101 asserting:

[C]laimed invention is directed to apparatus claim, but appearing to be comprised of software alone without claiming the associated computer hardware required for execution. For example claim 9 recite a determining unit and a changing unit, which are all software modules /functions. Software alone is directed to a non-statutory subject matter.

(See, Action at page 2, lines 14-19).

Claim 9 is amended herein to recite include a "process control block that stores a process identifier."

Conclusion

Applicant submit that claim 9 complies with 35 U.S.C. §101. Thus, withdrawal of the rejection is requested.

Item 8a: Rejection of claims 1-4 and 6-12 under 35 USC §112, second paragraph

In item 8 of the Office Action, the Examiner rejects claims 1-4 and 6-12 under 35 USC §112, second paragraph. (See, Action at pages 3-4).

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i. In rejecting independent claim 1, the Examiner asserts:

As per claim 1, line 7, "execution as the task under control of the operating system", it is not clearly understood which task is referred to? (i.e. non- idle process, idle process?) line 10, it is not clearly understood to which task the priority is being changed to higher priority? (i.e. the operating system that executing as a task or the non idle process? And if it is the operating system is the OS raising its priority over the processes executing within it?) It is not clearly understood the relation between "the task and the non idle process? Line 11, it is not clearly understood to which task is referred to as having primary priority?

(See, Action at page 3).

Claim 1 is amended herein to recite a "... wherein the non-idle process is an executable process waiting for execution-as-the-task under control of the operating system ...". That is, as recited by claim 1 the task that the priority is being changed to higher priority is the operating system executed as a task in line 3 of claim 1.

Further, claim 1 is amended herein deleting the phrase "as the task" to clarify that the operating system executed as a task in line 3 of claim 1 is referred to.

In addition, to address the Examiner's inquiry regarding "if it is the operating system is the OS raising its priority over the processes executing within it?," claim 1, is amended herein to recite a changing a priority of the task to a higher priority higher than a primary priority of the task of which the non-idle process is executed . . .".

That is, if the operating system is executed, the non-idle process is executed preferentially, as recited by claim 1.

ii. In rejecting claim 9, the Examiner asserts it is not clearly understood what is meant by "an executable non-idle process." (See, Action at page 4). Claim 9 is amended herein to address the Examiner's concern deleting the phrase "an executable non-idle process."

iii. In rejecting claim 10, the Examiner asserts "it is not clearly understood what is meant by "executable process"." (See, Action at page 4).

Claim 10, as amended, recites "... determining whether processes to be executed . . . , wherein the non-idle process is a process waiting for execution as the task . . . when it is determined that processes to be executed under control of the operating system include the non-idle process," to address the Examiner's concern.

iv. In rejecting claim 8, the Examiner contends it is not clearly understood which task

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is referred to that is changing the priority from primary to higher. (See, for example, page 4). To address the Examiner's concern). Claim 1 is amended to recite "... wherein the non-idle process is an executable process waiting for execution-as-the-task under control of the operating system ...".

That is, the operating system executed as a task in line 3 of the parent claim 1 is referred to.

v. In rejecting claim 12, the Examiner contends it is unclear as to which task is referred to. (See, for example, page 4). To address the Examiner's concern, claim 12, as amended herein recites "... raising a priority of a the task upon determining processes ...".

In addition, the Examiner questions if "it is the operating system, is the OS raising its priority over the processes executing within it.?" (See, for example, page 4). To address the Examiner's concern, claim 12, as amended herein, recites "... executable process to be executed under control of the operating system other than an idle process ...".

Conclusion

Applicant submits that amendments herein address the Examiner's concerns and that claims 1-4 and 6-12 comply with 35 USC §112, second paragraph. Thus, withdrawal of the rejection is requested.

Items 10-31: Rejection of claims 1-4 and 6-12 under 35 U.S.C. §103(a)

In items 10-31 of the Office Action, the Examiner rejects claims 1-4 and 6-12 under 35 U.S.C. §103(a) as being unpatentable over Saito et al. (US 2005/0149933) in view of combinations of Herrington et al. (US 4,435,780) and Fung (U.S.P. 5,892,959). (Action at pages 5-9). The rejections are traversed.

Applicant submits that all the features of each independent claim are not taught by even an *arguendo* combination of the art of record.

Independent claim 1 recites a computer-readable recording medium that stores a task control computer program including computer executable instructions which when executed by a computer, cause the computer to execute an operating system as a task by performing "determining whether a non-idle process is included in processes to be executed under control of the operating system based on a process identifier stored in a process control block (PCB) of processes to be executed under control of the operating system, wherein the non-idle process is a process waiting for execution under control of the operating system, other than an idle process executed when the operating system proceeds to an idle state; and changing a priority of the

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task to a higher priority higher than a primary priority of the task to execute the operating system under control of which the non-idle process is executed when it is determined at the determining that the processes to be executed under control of the operating system include the non-idle process."

In support of the rejection for example, the Examiner cites Saito's disclosure in the Abstract, lines 12-15 as teaching "the priority translation module . . . the operating system having a common priority higher than that of any other operating system" and that Saito's disclosure in paragraph [0115] teaches a "priority ceiling scheme involves raising the priority of a task that has acquired lock to a predetermined level ..." (See, for example, Office Action at page 5).

In support of the rejection the Examiner asserts that Harrington discloses:

FIG. 5 shows some detail of the contents of a process control block . . . It contains the current status of the process Other information contained in the process control block includes its ID represented at 52, priority data at 54, its size at 53, the link field at 56, and stack pointer save area . . ."

(See, Action at pages 5-6).

The Examiner relies on Fung as teaching features recited in dependent claim 7. (See, Action at pages 6-7).

But, Applicants submit that even an *arguendo* combination of Saito, Harrington, and Fung do not teach a computer-readable recording medium that stores a task control computer program including computer executable instructions which when executed by a computer, cause the computer to execute an operating system as a task by performing: " . . . changing a priority of the task to a higher priority higher than a primary priority of the task to execute the operating system under control of which the non-idle process is executed when it is determined at the determining that the processes to be executed under control of the operating system include the non-idle process," as recited by claim 1, for example. (Emphasis added).

Similarly, even an *arguendo* combination of Saito, Harrington, and Fung does not teach features recited by independent claims 9, 10, and 12, all as amended herein.

* * *

Dependent claims 2-4, 6-8, and 11 inherit the patentable recitation of base claim 1, and therefore, patentably distinguish over the cited art for at least the reason discussed above.

Conclusion

Since features recited by independent claims 1, 9-10, and 12 (and dependent claims 2-4, 6-8 and 11) are not taught by even a combination of the art relied on by the Examiner, the

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rejection should be withdrawn and claims 1-4 and 6-12 allowed.

New Claim

New claim 13 recites features of the present invention in a different manner. New claim 13 recites a task control method for causing a computer to execute an operating system as a task including "raising a priority of a task upon determining processes to be executed under control of the operating system include a non-idle, executable process other than an idle process executed when the operating system proceeds to an idle state and based on an identifier stored in a control block executed by the operating system."

These, and other, features of claim 13 patentably distinguish over the cited art, and they are submitted to be allowable for the recitations therein.

Conclusion

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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